

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

E-TELEQUOTE INSURANCE, INC.,

Plaintiff,

v.

AUBREY “A.D.” MAYBERRY, ALISA
CRAVEY, RICH BUDWELL,
JONATHAN MOORE, *et al.*,

Defendants.

CASE NO. 8:22-cv-01222-WFJ-JSS

ORDER ON MOTION TO COMPEL (at Docket 114)

This matter is before the Court on the *Motion to Compel Compliant Discovery Responses, Full Document Production, and a Complete Privilege Log from MyPlanAdvocate* ([Dkt. 114](#)) (the “Motion”) filed by Plaintiff, e-TeleQuote Insurance, Inc. (“ETQ”), against Defendants, MyPlanAdvocate Insurance Solutions, Inc. and MyPlanAdvocate Insurance Services, Inc. (collectively “MPA”). MPA filed a Response in Opposition to Motion to Compel (“Opposition”) ([Dkt. 133](#)), and ETQ filed its Reply in Support of Motion to Compel (“Reply”). ([Dkt. 134](#)). A telephonic hearing on the Motion was held on May 2, 2023 ([Dkt. 140](#)).

By *Friday, May 5, 2023*, MPA served its Amended Privilege Log pursuant to the Court’s oral instructions provided at the telephonic hearing. MPA also delivered copies of all documents appearing on the December 16, 2022 Privilege Log to this

Court's Chambers for an *in camera* inspection, on a thumb drive or other electronic storage medium.

Subsequently, on May 8, 2023, the Court directed MPA to file on this docket a very short list of the titles or roles of persons appearing on the documents listed in the Amended Privilege Log. ([Dkt. 143](#)). MPA complied with this direction on May 8, 2023. ([Dkt. 144](#)).

After considering the Motion, the Opposition, the Reply, the arguments of the parties, the law, the Amended Privilege Log, the additional list, and performing an *in camera* inspection of the documents provided by MPA, **IT IS ORDERED, ADJUDGED, AND DECREED** that the motion is **GRANTED in part** and **DENIED in part** as follows:

1. After reviewing the materials *in camera*, the Court has determined that the objections to producing these documents are overruled. The Amended Privilege Log contains nine items for which the attorney-client privilege is claimed. Those items do not contain confidential communications to or from an attorney. Nor do they contain any communications of any type to or from an attorney. No attorney is listed as recipient, or sender, or copied; nor is attorney advice paraphrased or quoted in the body of any of those communications. Three lengthy documents were withheld as not relevant (starting with MPA 866, 1570, and 2273 respectively). They are not privileged and could constitute admissible evidence or may lead to admissible evidence.

2. No later than *May 12, 2023*, MPA shall produce the documents appearing on the Amended Privilege Log.

3. Additionally, no later than *Friday, May 19, 2023*, MPA shall propound supplemental written discovery responses to Plaintiff's First Request for Production, which include the following:

- a. Objections with specificity to any requests, which include a full, fair explanation for the objection particular to the facts of the case;
- b. A representation as to whether any documents are being withheld due to any such objections;
- c. Identification of which documents within its production correspond to each document request; and/or
- d. A statement specifically indicating that no responsive documents have been found if that is the case.

4. ETQ's request for a forensic inspection of electronic devices is **denied** *without prejudice*. All other relief requested by ETQ in the Motion is *denied*.

5. The parties' respective requests for sanctions and attorneys' fees are *denied*.

DONE and ORDERED in Chambers at Tampa, Middle District of Florida,
United States District Court this 12th day of May, 2023.



WILLIAM F. JUNG
UNITED STATES DISTRICT JUDGE